

## Inwards Despatches from Lieut-Governor Eyre, New Munster

23 Jul 1847 to 22 Jul 1848

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To His Excellency George Grey, Esquire, Governor in Chief of New Zealand and its dependencies, Captain &c, &c, &c

May it Please your Excellency

We, the undersigned, residents in the district of Wellington, and for the most part heads of families therein, take leave to express to your Excellency the deep anxiety – not unmingled with stronger feelings – with which we regard the exclusive appropriation to the Episcopalian church, of that part of the public cemetery which has already been used for interments. We have already, in an interview with Lieutenant-Governor Eyre laid our case before him, and now, in accordance with his expressed wish, take leave to lay before your Excellency, the grounds on which we believe the measure to be as unjust, as we feel it to be oppressive.

Craving your Excellency's accustomed patient attention to the case, we are obliged, in order to make it intelligible, to detail at some length, the history of the matter.

In the allotment of the "Town Land" in Wellington – which was first made public on or about the 5<sup>th</sup> of July 1840 – an irregular shaped piece of ground, having a surface very undulating and broken, and containing eighteen acres or thereabouts, was marked out as a "Public Cemetery." Prior to this, interments had taken place at Pitone while the town was there, and on the removal of the town to Thorndon, the first interments took place at the back of Tiakiwai pa, in a part of the place known as Wade's town, but as soon as the public cemetery was set out, all parties alike interred their dead in that spot, and although no register was then kept, and the first ministers who were in the settlement, namely the Rev John McFarlane of the Established church of Scotland, and the Rev John Aldred of the Wesleyan Methodist church, are no longer here, yet we are able to shew that interments took place, at which Divine service was performed, by the Rev Samuel Ironside of the Wesleyan Methodist church in May 1841 and by the minister of the Congregational church soon after the commencement of his labors in this place in May 1842.

From this time until about April 1844 all parties continued to use the ground, not only without let or hindrance, but without anything occurring to cause a doubt that they had not a perfect right to do so, but about that time it became known that the Episcopalian Bishop was about to take possession of the ground, by the ceremony called "consecration." All the Protestant ministers then in the settlement, not in common with the Episcopalian church, immediately addressed his Excellency Captain Fitzroy, the Governor of New Zealand, on the subject, and also had several interviews with his Honor the Superintendent of the Southern division, in all of which they claimed as the right of the public, that the small portion of the land which had then been used, should be preserved sacredly, so that ministers and members of all religious denominations, as well all other members of the community who were not in connection with any religious body, might bury their dead there. No other objection was urged against this than the mere wish of the Episcopalian Bishop, and as the reasonableness of the claim of your memorialists was fully recognised by Major Richmond, he assented to their wishes, and requested the four ministers then resident – Messrs McFarlane, Ironside, Duncan and Woodward to form a board of trustees for the general management of the whole cemetery, except such portion as should be set apart for the members of the Episcopalian church, and a small portion which had then been set apart for the Jews. The above-named parties declined to act, unless some public officer, such as the police magistrate were associated with them, as otherwise it might appear that they were representing private and sectarian interests, and the Local Government assenting to this, the whole matter was left for confirmation by the Governor, then in Auckland.

Nothing farther was heard or done till the November following, in which month, to the unutterable surprise of the above-named parties, they received a communication from the Government, to the effect that the ground had been originally laid out as a cemetery for the Episcopalian church. They immediately addressed the Principal Agent of the New Zealand Company, and Captain Smith, R.A., who had laid out the town as the Company's Principal Surveyor, and both these gentlemen referred to their instructions and shewed that in obedience to those institutions, the ground had been set apart as a Public cemetery, and that they always were expressly forbidden to recognise any sectarian distinctions whatsoever. A public meeting was then called, and a petition to the House of Commons prepared and forwarded, and the effect of all this seemed to be, that the matter was finally settled, as nothing more has been heard thereof until within the last few days, when your memorialists were again startled by the report, that the long-delayed "consecration" was about to take place.

There is one other point in the history which we must not pass over, as considerable steps seems now to laid upon it. Some years since the cemetery was for the first time fenced in, and it was known at the time that Mr St. Hill paid for the work, and, as it was believed, with funds belonging to or arising out of the Native reserves. This act, having thus all the appearance of being a public one, was gratifying to all parties, as all were desirous that due care should be taken of a place highly esteemed by many, as the depository of the remains of some of those whom they held dearest. A gate was at the same time hung, and a lock put thereon, the key of which was deposited at the residence of the Episcopalian minister, a convenient place being immediately contiguous. This key was always freely given to every minister or person that required its use, and as it shortly became apparent that the attempt was futile to obtain by this means a recognition of any right on the part of the Episcopalian church to the possession or custody of the ground, and that any such attempt would be resisted in every possible way, the attempt was abandoned, the gate left unlocked, and the fence suffered to fall into decay.

Your Excellency will now permit your memorialists to state the grounds on which they still prefer the claim formerly made – namely that whatever other partition of the ground in question may be made, the part formerly and still almost exclusively used for interments shall remain as at present, open to all parties, without distinction of sect or creed.

These grounds are two fold – first there is the claim of Right, which we believe to be established by the history above narrated. From that it must appear, that every inhabitant of the settlement has a claim, as much, to a portion of the cemetery, as much so as to any part of the freehold conveyed to, or occupied by him, and as no intimation was ever given that his right was confined to any particular spot, each one as the unfortunate occasion arose, chose that spot which he deemed most suitable, and as, from the shape and description of the ground but one part was easily accessible, it thence followed, as a natural consequence, that nearly all interments took place, or in other words that nearly every such act of ownership was exercised, in or about the same spot, one little angle of the ground, separated by a deep creek from all the rest.

It is now objected in answer to this, that the ground was conveyed – or promised to the Episcopalian church, by a public board in October 1842, but if this board, of whose existence few were conscious, while acts of theirs were never heard of before, could thus convey and give away property irrespective of all previously existing rights, then the same or a similarly constituted board may now or at some future time, make over to other parties, any other ground which may be occupied for the purposes of interments, and so some six years hence we may be again subjected to the same injustice. Nor do we perceive any reason why the supposed board – if they could possess the power now claimed, might not in like manner convey away our farms and cultivations. That the soil had been taken possession of by various parties we have shown above, but that the simple fact – if proved – that the Episcopalian church were the first to inter there, could give that church a priority of right we think impossible to show, while we farther urge, that in all the lengthened discussions with the Government in 1844 no such grant was ever alleged or referred to.

The second claim that we prefer is that of Feeling. All persons alike, civilised or uncivilised – regard with feelings of deepest interest, the place in which they have deposited the remains of members of their families, and most persons cherish the idea of being themselves laid, where they have laid their friends. Although the rate of mortality here has hitherto been very low, yet there are few families but have suffered some bereavement, while among the natives the mortality has been extensive, and they therefore largely participate in the emotions which would be excited in us, were we to be exclusive from the place for time to come. Far be it from your memorialists to attempt to inflict the injury that they resist. No wish exists on our part to exclude the ministers of the Episcopalian church, or its members, from the full participation in the use of the said ground, or from any rights that they in common with ourselves have hitherto enjoyed and exercised.

One only point remains yet to be urged; - while it cannot be allowed that this question should be decided as one of numbers merely, as the majority can have no right to inflict an injury upon the minority, in this case the balance of numbers is in favor of your memorialists. Not only do they include protestant englishmen of all denominations, not in communication with the Episcopalian church, but all scotchmen of all shades of opinion on religious matters, are necessarily, from their deep and strong nationality, at one on this subject. It is therefore a matter of no light import, affecting as it does, by far the largest moiety of our community.

Trusting that we have thus shown from the original allotment of the land, that our claim thereto is one of right – from the history that that right has been continuously and uniformly exercised – and farther calling your Excellency's attention to the deep seated and natural feelings which will be outraged by any departure from the course thus far pursued, we leave the matter with confidence in your Excellency's hands, only asking that justice may be done, and this much vexed question set finally at rest.

And your memorialists as in duty bound will ever pray – signed by:

William Lyon; John Inglis, Minster; J. Woodward, Minster; James Watkin, Wesleyan Methodist; Samuel Ironside, Wesleyan Methodist; Robert Hart, Solicitor; Robert Waitt; James Smith; John Wallace; Kenneth Bethune

John Fraser	Storekeeper	Wellington
Samuel Woodward	Carpenter	Wade's Town
G. Cameron	Rope Maker	Thorndon Flat
John Gell	Carpenter	Wellington
John Tomlin	Schoolmaster	Thorndon Flat
Richard McCalpin	Boot & Shoe Maker	Thorndon Flat
G. McCalpin	Boot & Shoe Maker	Thorndon Flat
W. Neal	Watch Maker	Wellington
James Sellar	Settler	Wellington
David Lewis	Clerk	Wellington
William Neal Jnr	Watch Maker	Wellington
D. M. Lawrie	Merchant	Wellington
Stephen Fagan	Shoemaker	Lambton Quay
George Edwards	Settler	Karori
Ebenezer Hay	Settler	Pigeon Bay
Donald Gollan	Settler	Wellington
Thomas McKenzie	Printer	Wellington
James Muir	Printer	Wellington
John Crowther	Printer	Wellington
George Ramsay	Printer	Wellington
George Crawford	Merchant	Wellington
George Fellingham?	Printer?	Wellington
George Waters	Storekeeper	Dixon Street
John Kitson	Carpenter	Sutton Row
William Fisher	Painter	Willis Street

James Wilkinson	Cabinet Maker	Willis Street
Thomas Crowther	Tailor or Draper	Willis Street
W. Loach?		Willis Street
G. H. Luxford	Butcher	Willis Street
J. ?	Butcher	Willis Street
_ Luxford		Wellington Terrace
John Harding	Ironmonger	Lambton Quay
Philip Murch	Baker?	Manner Street
William Broadbent	Blacksmith	Manner Street
David Fininburgh	Painter	Manner Street
John Marshman	Surveyor	Wellington
Charles Hame?	Shoe maker?	Dixon Street
John Duck	Carpenter	Dixon Street
R. O. Clark	Teacher	Manners Street
W. Waring Taylor	Store keeper	Herbert Street
G. Richardson	Bricklayer	Wellington
H. Burn	Blacksmith	Wellington
John Bouton	Sawyer	Karori
John Gum	Cooper	Wellington
David Robertson	Cooper	Wellington
John Bar?	Settler	Wellington
Samuel Vennell	Farmer	River Hutt
A. Lyall	Baker	Wellington
William Villers	Carpenter	Wellington
M. Quin	Farrier	Wellington
James Stoddart	Carpenter	Wellington
James Blyth	Cabinet Maker	Wellington
Robert Langdon	Store Keeper	Wellington
Walter Jackson	Wheelwright	Wellington
George Packman	Wheelwright	Wellington
Alexander Farmer	Shoe Maker	Wellington
Donald Cameron	Shoemaker	Wellington
William Paterson	Shoe Maker	Wellington
John Johnson	Store Keeper	Wellington
George P. Wallace	Storekeeper	Wellington
John Turner	Tailor	Wellington
William Mills	Constable	Wellington
W. Ebden	Farmer	River Hutt
Alex Pringle	Carter	Wellington
John Martin	Carter	Wellington
John Baid	Carpenter	Wellington

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*New Zealand Spectator and Cook's Strait Guardian 24 Jan 1846 Parliamentary Intelligence*

Mr Hindley complained that the present Bishop of New Zealand had consecrated, for the exclusive burial of Protestants, a portion of the cemetery which had hitherto been used for the interment of the inhabitants of the colony generally, without regard to religious distinctions. He (Mr Hindley) had received communications stating that this act of the bishop had given great dis-satisfaction, and that a petition would be forwarded to him for presentation to the House of Commons on the subject.

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